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10/576,233	01/12/2007	Peter Mueller	1401A.006 (C10133/A-US)	7089
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EXAMINER NGUYEN, PHONG H				
ART UNIT 3724		PAPER NUMBER		
NOTIFICATION DATE 07/22/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/576,233

**Applicant(s)**

MUELLER ET AL.

**Examiner**

Phong H. Nguyen

**Art Unit**

3724

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-27, 29-35 and 47-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-27, 29-35 and 47-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No.(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26 and 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Anstalt (DE 19525742).

Regarding claim 26, Anstalt teaches a method for slicing a food product block comprising:

feeding the food product block 8 to a blade 2;

conveying the food product block towards the blade by at least one conveyor belt 1, wherein at any desired time during slicing of the food product block, the rear end of the food product block is brought into contact in each case with a means 7,

wherein the means is driven by the conveyor belt during the contact with the food product block, and

wherein the means serves merely to hold and not to drive the food product block.

See Fig. 1.

Regarding claim 49, Antalt teaches a gripper connected to the food product block by interlocking.

Regarding claim 50, Anstalt teaches the means 7 being driven by the conveyor belt 1 in Fig. 1.

Regarding claim 51, Anstalt teaches the means 7 engaging the food block 8 towards the end of the processing process.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24, 27, 29, 31-35, 47, 48, 52, 53, 54, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anstalt (DE 19525742) in view of Lindee et al. (6,935,215), hereinafter Lindee.

Regarding claim 24, Anstalt teaches a method for cutting a food product block comprising:

feeding a product blocks 8 to a blade 2;

inserting the food product blocks 8 into a feed passage, wherein the food product blocks are brought into contact with a limit stop (at the end of the conveyor belt 1);

conveying the food product block 8 by a conveyor belt 1;

slicing first end of the food product block 8; and

connecting a gripper 7 to an end of the food product block to create a connection, remote from the blade, of each of the food product block,

wherein the connection between the gripper and the food product blocks occurs only after slicing one or more of the food product block begins (when a customer needs a slice for sampling, an operator just pushes the food product block against the blade 2 for a sample. When the customer needs a large quantity of slices, the user fully sets up the food product block on the slicer by connecting an end of the food product block to the gripper 7), and

wherein the gripper is not driven by its own drive at least during contact with the food product block (it is noted the gripper is driven by the conveyor belt 1).

See Figs. 1 and 2.

Anstalt does not teach the step of slicing at least two food product blocks simultaneously.

Lindee teaches the step of simultaneously slicing at least two food product blocks for generating more slices of food product in a shorter amount of time. See col. 2, line 67-col. 3, line 1.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the step of slicing at least two food product blocks simultaneously as taught by Lindee to the method of Anstalt for generating more slices of food product in a shorter amount of time.

As to the limitation of limit stop, it is at the end of the conveyor belt in Fig. 1 in Anstalt. However, to the degree the Applicant would argue that it is not explicitly taught in Anstalt, then

it is taught by Lindee. Lindee teaches limit stop 36 in Fig. 1 for making smooth cuts on a food product block by supporting the food block and counteracting with a cutting blade 33.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a limit stop to the slicer of Anstalt for making smooth cuts on a food product block.

Regarding claim 27, Anstalt and Lindee teaches aligning a front end of the food product blocks in a line in a plane parallel to a cutting plane of the blade. When a plurality of food blocks are cut, it is within the knowledge of one skilled in the art to align all the front ends of the food blocks so that all the food blocks are cut at the same time.

Regarding claim 29, Antalt teaches a gripper connected to the food product block by interlocking.

Regarding claim 47, Antalt teaches the gripper 7 being driven by the conveyor belt 1.

Regarding claim 48, Anstalt teaches the gripper 7 engaging the food product block when the food product block reaches the end of the slicing process in Fig. 1.

Regarding claim 52, Lindee teaches two parallel conveyor belts (24, 26) in Fig. 1.

Regarding claim 54, Anstalt does not teach the step of clamping the food block between two conveyor belts.

Lindee teaches the step of clamping a food block between two conveyor belts (22 and 26 or 20 and 24) for increasing the gripping of a food block. See Fig. 1 and col. 3, lines 1-5.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the step of clamping a food block between two conveyor belts as taught by Lindee to the slicing method of Anstalt for increasing the gripping of a food block.

Regarding claims 31 and 32, when the food block 8 in Anstalt is completely sliced, it is inherent that the leftover portion in the gripper will be removed from the gripper and the gripper will be reset at the right end of the conveyor belt 1 for a new food block.

Regarding claim 33, Anstalt teaches the gripper 7 driven solely by the conveyor belt 1.

Regarding claim 34, the gripper 7 engaging with the conveyor belt 1 is best seen in Fig. 1 in Anstalt.

Regarding claim 35, Lindee teaches food blocks being sliced in parallel by placing each food block between the pairs of conveyor belts (20, 24 and 22, 26).

Regarding claim 56 and 57, Anstalt teaches the gripper 7 for holding and not for driving the food block.

Regarding claim 53, Anstalt does not teach the step of slicing at least two food product blocks simultaneously.

Lindee teaches the step of simultaneously slicing at least two food product blocks for generating more slices of food product in a shorter amount of time. See col. 2, line 67-col. 3, line 1.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the step of slicing at least two food product blocks simultaneously as taught by Lindee to the method of Anstalt for generating more slices of food product in a shorter amount of time.

Anstalt does not teach the step of clamping the food block between two conveyor belts.

Lindee teaches the step of clamping a food block between two conveyor belts (22 and 26 or 20 and 24) for increasing the gripping of a food block. See Fig. 1 and col. 3, lines 1-5.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the step of clamping a food block between two conveyor belts as taught by Lindee to the slicing method of Anstalt for increasing the gripping of a food block.

5. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindee et al. (6,935,215), hereinafter Lindee in view of Anstalt (DE 19525742).

Lindee teaches a method for simultaneously slicing at least two food product blocks comprising:

inserting the at least two food product blocks 32 into a guide passage (upstream of conveyor belts);

guiding the at least two product blocks into a conveying means (20, 24, 22, 26);

conveying the at least two food product blocks towards the blade 33 using at least one conveyor belt;

slicing the food product blocks;

engaging the at least two food product blocks 32 with the at least one conveyor belt (20, 24, 22, 26);

wherein the at least one conveyor belt includes an inlet side and an blade side;

wherein the at least two food product blocks 32 are in contact with the at least one conveyor belt (20, 24, 22, 26) so that the at least two food product blocks are conveyed towards the blade 33;



wherein the at least two food product blocks are arranged in such a way that before the first cut, the at least two food product blocks are located in a line, substantially parallel to the cutting plane of the blade so that no trimming cut has to be performed.

See Fig. 1.

Lindee does not teach providing a gripper.

Anstalt teaches providing a gripper 7 for holding an end of a food product to increasing a holding force. See Fig. 1.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the gripper as taught by Anstalt to the slicing method of Lindee for increasing a holding force.

Anstalt teaches attaching a gripper to an end, remote from the blade, of each of a food product blocks; driving the grippers that are attached to a food product blocks, at least part of the time, using only the at least one conveyor belt 1; wherein the grippers attach to the ends of the at least two food product blocks after slicing of the at least two product blocks has begun (a slicer operator can attach the gripper to the end of the food block anytime in a slicing process); wherein the gripper is not driven by its own drive at least during contact with the food product block (the gripper is driven by the belt 1).

***Response to Arguments***

6. Applicant's arguments with respect to claims 24, 26, 27, 29, 31-35 and 47-57 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is (571)272-4510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/  
Primary Examiner, Art Unit 3724  
July 17, 2011